
Site Address: Crabbers Nip, 60 Bracklesham Road, Hayling Island, PO11 9SJ

Proposal: Part retrospective application to provide 2nd floor balcony with associated screening, cladding and fenestration changes, and removal of 1st floor conservatory to form additional 1st floor balcony with associated screening.

Application No: APP/14/00581 Expiry Date: 12/08/2014

Applicant: Mr O Stewart Team: Team 1

Agent: Mr V Jennings Case Officer: Heather Lealan

 Vernon L Jennings & Co

Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Bracklesham Road is a residential road in the south east of Hayling Island. The road is characterised by detached, two storey properties set back from the front of the plot by approximately 4 metres. A number of properties on the south side of Bracklesham Road were of an art deco style with flat roofs and corner windows, however several of the properties have been modernised and now have pitched roofs.
- 1.2 No. 60 Bracklesham Road is a two storey, detached property with a flat roof. It has a single-storey garage to the side. In addition there is a hard standing to the front and side of the property which provides parking space for 4 vehicles.
- 1.3 The property is the first on the private road which extends east beyond the junction of Bracklesham and Wittering Roads.

2 Planning History

APP/11/01211 - Two storey extension comprising first floor extension and additional accommodation at second storey level, with terrace and balcony, with timber cladding. Withdrawn

APP/11/01890 - Two storey extension over the existing property comprising first floor extension and additional accommodation at second storey level, with terrace and balcony - Permitted. However, the application has not been constructed in accordance with the permitted plans.

3 Proposal

- 3.1 The application seeks part retrospective consent to provide a 2nd floor balcony with associated screening, cladding and fenestration changes, and removal of 1st floor conservatory to form additional 1st floor balcony with associated screening. The application has not been constructed in accordance with the plans previously permitted and the application subject of this report seeks to regularise this. The main change being the removal of the conservatory at first floor level and the replacement with a terrace/balcony. Changes to fenestration and the loss of a parapet wall to the terrace at 2nd floor level.

4 **Policy Considerations**

National Policies

National Planning Policy Framework, 2012.

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

DM13 (Car and Cycle Parking on Residential Development)

Local Plan (Allocations) 2014

AL1 - Presumption in Favour of Development

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Chichester Harbour Conservancy - No objections. Timber cladding to be natural or dark stain. Use of reflective glass should be avoided on exposed elevations

Comment: It is not considered that the changes to the scheme significantly increase the use of glass in the exposed elevations and that the timber has been installed in accordance with previous permission.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 12

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

a) The lower balcony is extremely close to the boundaries of the properties to the south and as such will infringe on privacy into dwellings and gardens. Occupants can be seen very clearly and voices/noise carries. There is no precedence for a balcony at this level and any more elevated outdoor space further impacts privacy. If permission is given for this a 1.8 mts high solid opaque glass wall should be required rather than the current design. Also concerned that the current stick on opaque solution could easily be removed again in the future.

Officer comment: See analysis in Section 7, which concludes that an obscure glazed screen would be appropriate in this case.

b)The proposed alterations to the upper balcony are unacceptable. In the original

plans the Eastern elevation was to have part wall and part glass construction. This gave a degree of privacy when any users were on the balcony in a seated position. Object to the change of clear glass elevation and request that the original plans be adhered to.

Officer comment: See analysis in Section 7, which concludes that the use of clear glass does not give rise to a significant level of overlooking compared to the approved scheme.

c) The northern elevation of the upper balcony is too low and allows users to look down into neighbouring properties of close proximity. I request that a 1.8M obscure/opaque barrier be installed to this elevation. This will go some way to protect our privacy and deflect noise. *Officer comment: The height of the northern elevation screen remains unchanged from the previous permission.*

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and effect on the character of the area
- (iii) Effect on the neighbouring properties
- (iv) Parking Provision
- (v) Flood Issues

(i) Principle of development

7.2 The site is located within an urban area as identified by the Core Strategy, therefore the revised proposed development is acceptable in principle provided it meets the criteria of the development management policies listed in section 4 of this report.

(ii) Appropriateness of design and effect on the character of the area

7.3 It is not considered that this revised application changes the design concept of this dwelling and overall the proposal is considered to be of a high quality of design which complies with policy CS16 of the Core Strategy and NPPF.

(iii) Effect on the neighbouring properties

7.4 Only the changes to the permitted scheme are under consideration within the remit of this revised application. It is not considered that the change from part wall to full glazing to the eastern front boundary treatment of the 2nd floor balcony increases overlooking to the surrounding neighbours to a significant extent; the eyeline from the balcony is the same as if the original scheme had been constructed. When seated on the balcony, views are afforded through the top section of glass the same as would have been the case had the scheme previously permitted been constructed according to plan. It is still considered that this degree of overlooking is acceptable to No 62, which lies 25 metres to the east, and is separated from the property by the garden to No 60 and mature planting. No.62 has one first floor window facing No 60 and was already overlooked by No.60's first floor conservatory. No's 9, 11 and 15 Seafarers Walk are located sufficient distance away from the 2nd floor balcony, over 40m, and

overlooking already existed from the original south facing balcony and first floor windows of No.60. It is not considered that the proposals will exacerbate the issues of overlooking to the south to warrant refusal of this revised application. It is considered that the new window at second floor level; being a new introduction at a higher level than the existing balcony, should be continue to be conditioned to be obscurely glazed, in order to prevent a new element of overlooking at a higher level than that existing

- 7.6 It is also not considered that any of the fenestration changes at second floor level from the permitted scheme would create any unacceptable detriment to the amenities of the occupiers of the surrounding dwellings. The film used to obscure glaze the windows must accord with planning conditions for the windows to remain in such a condition. If this film is subsequently removed a breach of planning condition will occur; however there is no such breach at the present time.
- 7.5 The second major change to the scheme as originally permitted is the removal of the conservatory at first floor level and the construction of a balcony/terrace in replacement. Whilst it cannot be argued that overlooking will increase from the introduction of this balcony from the clear glazed conservatory that existed previously; it is nevertheless considered that the perception of overlooking is more intrusive from people sitting on a balcony as opposed to within a sealed conservatory. Therefore, it is considered that an obscurely glazed screen must be installed to the southern elevation of the balcony before it is brought into use to ameliorate any such impact. It is not considered that such a screen is required to the eastern and northern sides of the balcony as a smaller balcony did previously exist to the northern side of the conservatory, thus the impact remains largely unchanged.

(iv) Parking Provision

- 7.6 There is sufficient space to the front and side of the property to provide the necessary three parking spaces, excluding the use of the garage. It is recommended that a condition is included to ensure that three spaces are maintained for future use.

(v) Flood Issues

- 7.7 The proposed development is at second/third floor level and will therefore not put the occupiers or members of the emergency services at any additional risk in the event of a flood. EA have been consulted and raised no objection

8 Conclusion

- 8.1 It is considered that the proposed development is acceptable and should be permitted with conditions.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00581 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, unless required otherwise by the conditions listed below:

Block & Location Plans received 3 June 2014

SP/5- Proposed & Existing Floor plans received 17 June 2014

SP/2/E - Proposed & Existing Elevations & Street profile received 17 June 2014

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the details shown on the submitted plans, the window at 2nd floor level in the southern elevation of the building shall be:
- (i) fixed shut at all times; and
 - (ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 4 The screening and obscure glazing to the 2nd floor balcony, as shown on the plans hereby permitted, shall remain in place at all times. All obscure glazing shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 5 Notwithstanding the details shown on the submitted plans, within 6 weeks of the date of this decision an obscurely glazed 1.8m high screen shall have been installed along the full length of the southern side of the first floor balcony hereby permitted, and such screen shall thereafter remain in place at all times. The balcony shall not be brought into use until the screen has been installed. The obscure glazing shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

- 6 The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the

National Planning Policy Framework, March 2012.